

MINUTES OF THE MEETING
OF THE CITY COUNCIL OF THE
CITY OF BURLINGTON
December 19, 2006
9:00 A.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on December 19, 2006, at 9:00 a.m.

Mayor Stephen M. Ross presided

Councilmembers present: Mayor Ross, Councilmembers Huffman, Starling and Wall

Councilmembers absent: Jones

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

INVOCATION: Councilmember Don Starling

MINUTES

Mayor Ross called for approval of the City Council work session minutes of the meeting on December 4, 2006, and the City Council meeting minutes of December 5, 2006.

Upon motion by Councilmember Wall, seconded by Councilmember Starling, it was resolved unanimously to approve the minutes of the meetings held on December 4, 2006, and December 5, 2006.

ADOPTION OF AGENDA

Upon motion by Councilmember Huffman, seconded by Councilmember Wall, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

- A) To approve a final plat of Phase 2, Section 2 of the Avalon Subdivision, Mackintosh on the Lake (Section K). The property is located on Glenkirk Drive south of Interstate 85/40 as shown on plans by Alley, Williams, Carmen and King, Inc., dated November 29, 2006, and containing 23 lots.
- B) To approve a final plat of Phase 2, Section 3 of the Avalon Subdivision, Mackintosh on the Lake (Section K). The property is located on Glenkirk Drive south of Interstate 85/40 as shown on plans by Alley, Williams, Carmen and King, Inc., dated November 29, 2006, and containing 23 lots.
- C) To adopt an ordinance amending Chapter 12 (Fire Prevention and Protection) to reflect the 2006 Fire Prevention Code effective January 1, 2007.

06-51

PROPOSED AMENDMENTS TO CHAPTER 12 (FIRE PREVENTION AND PROTECTION) OF THE BURLINGTON CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, North Carolina, that the following change be made to Chapter 12 (Fire Prevention and Protection) of the City Code:

Sec. 1: That Section 12-37(a) (Adoption and Administration) be amended as follows:

(a) [The purpose of this article is] to provide the city with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

This article shall be known as City of Burlington's Fire Prevention Code. This article adopts the 2006 North Carolina Fire Code (2003 International Fire Code) with all North Carolina Amendments and references contained therein except

those portions such as are hereinafter deleted, modified or amended by Section 12-46 of this article. The same are hereby adopted and incorporated as fully as if set out at length herein. No less than three (3) copies of the adopted issue of the Fire Prevention Code of the National Fire Protection Association, NFPA No. 1, and the adopted standards and codes of the National Fire Codes shall be filed in the office of the city clerk and the provisions thereof shall be controlling within the limits of the city. (See the footnote to Art. III.)

It shall be unlawful for any person to violate this article, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the fire chief in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others.

Sec. 2: That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Sec. 3: That this ordinance shall take effect upon passage.

D) Budget Amendment 2007-24 - 2006 Assistance to Firefighters Grant Program

BA2007-24

Increase Revenues:

010-39398-0000	Appropriated Fund Balance	\$ 3,500
010-33107-5310	Fire Grants	31,500

Increase Expenditures:

010-53537-7200	Buildings	\$35,000
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Councilmember Wall asked to be recused from Consent Agenda Items A and B.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to allow Councilmember Wall to be recused from Consent Agenda Items A and B.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve Items C and D on the consent agenda.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve Items A and B on the Consent Agenda.

NEW BUSINESS:

ITEM 2: TRANSFER OPTION AGREEMENT - PIEDMONT LAND CONSERVATORY - CITY OF BURLINGTON

Mayor Ross announced that the City Council would consider approving the transfer of an option agreement from Piedmont Land Conservatory (PLC) to the City of Burlington for property located on Highway 62 North at the northeast corner of the Haw River bridge owned by B&B Properties. This will be part of the Haw River Trail development.

Recreation and Parks Director Tony Laws introduced Mr. Brian Baker, Haw River Coordinator, and stated that through Mr. Baker's efforts and the partners in the Haw River Trail that a partnership had been worked out with the Piedmont Land Conservatory to transfer the option to the City of Burlington and that the City of Burlington would transfer the option to Capital Broadcasting which would then make the property purchase from B & B Properties. Mr. Laws stated that the City would eventually get the easement that would go across B & B Properties and Carolina Mills for the trail. Mr. Laws stated that the trail would go along the riverfront and would give access for the construction of the trail and would also provide a buffer along the river for water quality.

Mr. Baker stated that the reason this piece of land was being acquired was to extend the Haw River Trail and that it would be from Indian Valley Golf Course to the Highway 62 bridge.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve the option transfer agreement.

PUBLIC HEARINGS:

ITEM 3: REZONE PROPERTY - HUFFMAN MILL ROAD

Mayor Ross announced that a public hearing had been scheduled to consider rezoning from O-I, Office-Institutional District, to CB, Conditional Business District, to allow a .540 acre tract of land to be combined with the Burlington Nissan-Hyundai Conditional Business rezoning approved by the City Council on September 5, 2006. The Conditional Business rezoning would allow the construction of an automobile dealership, and the additional tract of land would adhere to the same Use and Development Conditions previously approved. The property is located on the north side of Huffman Mill Road south of Whitesell Drive approximately 1,300 feet southwest of Kirkpatrick Road as shown on Alamance County Tax 3-22, a portion of Lot 51.

Mr. Paul Koonts with Bateman, Oertel and Koonts, PLLC, representing Burlington Nissan-Hyundai, requested the rezoning of a .540 acre tract of land to be combined with the dealership property to allow for parking.

Councilmember Huffman asked Mr. Koonts if the rezoning request was consistent with the recently adopted Southwest Corridor Plan, and Mr. Koontz replied that it was consistent.

Upon motion by Councilmember Huffman, seconded by Councilmember Wall, it was resolved unanimously to close the public hearing.

Councilmember Huffman moved the adoption of the following ordinance:

06-52

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property on Huffman Mill Road to Combine with Previously Approved Conditional Business Zoning for Construction of Automobile Dealership)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use

Plan are hereby amended by rezoning from O-I, Office-Institutional District, to CB, Conditional Business District, subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located on the north side of Huffman Mill Road south of Whitesell Drive approximately 1,300 feet southwest of Kirkpatrick Road as shown on Alamance County Tax Map 3-22, a portion of Lot 51.

Section 2. That the rezoning from O-I to CB is hereby authorized subject to the following Use and Development Conditions:

Use Condition

The .540 tract of land shall be combined with the adjacent property zoned Conditional Business approved by the Burlington City Council on September 5, 2006, (ACTM 3-22, Lots 19 and 22) and shall adhere to the previously approved Use and Development Conditions.

Development Condition

All previously approved Development Conditions shall remain in effect.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Starling, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Ross, Huffman, Starling and Wall.

ITEM 4: AMEND ZONING ORDINANCE TEXT - USABLE OPEN SPACE AND TOWNHOME REQUIREMENTS

Mayor Ross announced that a public hearing had been scheduled to consider amendments to the Zoning Ordinance text pertaining to usable open space and townhome requirements.

Planning Director Bob Harkrader stated that the proposed text amendments would provide for the relocation of applicable sections of the code to the Supplementary Use Regulations section of the Zoning Ordinance as well as make minor changes to the open space and access requirements for townhouses. He stated that the amendments would make it more user-friendly for those wanting to develop townhouses.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Councilmember Huffman moved the adoption of the following ordinance:

06-53

ORDINANCE TO AMEND CITY OF BURLINGTON ZONING ORDINANCE TEXT PERTAINING TO USABLE OPEN SPACE AND TOWNHOME REQUIREMENTS

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1: That the Burlington Zoning Ordinance be amended as follows:

AMEND SECTION 32.22 - DEFINITIONS

Usable Open Space: A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drives and storage areas shall not be included in the calculation of usable open space.

AMEND SECTION 32.4:B.3.a. AND b. -- MF-A MULTIFAMILY DISTRICTS:

- a. A minimum of 10 percent of the total land area of any lot containing three or more dwelling units shall be developed as usable open space, as defined in Section 32.22. Parking areas, vehicle drives and storage areas shall not be included in such open space.

AMEND SECTION 32.4:C.3.a. AND b. -- MF-B MULTIFAMILY DISTRICTS:

- a. Usable Open Space: A minimum of six percent of the total land area of any lot containing three or more dwelling units shall be developed as usable open space, as defined in Section 32.22. Parking areas, vehicle drives and storage areas shall not be included in such open space.

AMEND SECTION 32.13:

M. Townhouses: Townhouses, defined as one or more residential structures comprised of one or more single-family residences intended for owner-occupancy, shall be subject to the following regulations: (Amendment adopted November 6, 1984)

1. Approved by: Board of Adjustment through Special Use Permit in R-15, Single-Family Residential Zoning Districts.
2. Dimensional Requirements: See Section 32.10.TT, Supplementary Use Regulations.

AMEND SECTION 32.10 AS FOLLOWS:

ADD:

TT. Townhouses: Townhouses, defined as one or more residential structures comprised of one or more single-family residences intended for owner-occupancy, shall be subject to the following regulations:

1. Dimensional Requirements: Townhouse developments shall be exempt from conventional minimum lot area and other dimensional requirements. However, maximum overall density shall not exceed the density established for the district in which the development is proposed. Lot area, yard, height and other requirements shall be as follows:

	ZONING DISTRICT					
	R-15 R-12 R-9 R-6	MF-A	MF-B	O-I	B-2	B-3
Minimum total lot area comprising townhouse development (acres)	2	1	1	1	1	1
Minimum individual townhouse lot area (square feet)	1,600	1,600	1,600	1,600	1,600	1,600
Minimum front, side or rear yard abutting a street, a private road or the external boundary of townhouse development (feet) (Amendment adopted March 16, 2004)	25	25	25	25	25	25
Maximum height (feet) (Amendment adopted March 21, 2006)	50	50	50	50	50	50

Maximum lot coverage of townhouse development (Amendment adopted March 16, 2004)	55%	55%	55%	55%	55%	55%
Minimum usable open space (% of total townhouse development) (*Amendment adopted July 19, 1988)	*25%	10%	6%	25%	6%	6%
Maximum number of contiguous townhouses	10	10	10	10	10	10
Minimum distance between townhouse (Amendment adopted March 21, 2006)	See Note A	See Note A	See Note A	See Note A	See Note A	See Note A
Minimum lot width (feet)	18	18	18	18	18	18

Note A: The distance between detached townhouses, whether they are buildings with multiple units or individual structures, shall be determined by the requirements of the North Carolina Residential Building Code.

2. Access: Townhouse developments shall abut a public street. Individual townhouse lots need not abut a public street provided that every dwelling unit shall be provided access to their property via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with other property owners in the townhouse development. Adequate access shall be provided for firefighting equipment, service deliveries and refuse collections.

AMEND SECTION 32.9: TABLE OF PERMITTED USES:

REMOVE:

All references to Section 32.13:0 under Special Requirements.

AMEND SECTION 32.9: TABLE OF PERMITTED USES:

ADD:

See 32.10:TT under Special Requirements for the following Permitted Uses:

DWELLINGS, detached, one-family, condominiums/townhouses
DWELLINGS, duplex, two-family; condominiums/townhouses
DWELLINGS, attached, multifamily; condominiums/townhouses

Section 2: That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Wall, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Ross, Huffman, Starling and Wall.

ITEM 5: AMEND ZONING ORDINANCE TEXT - PLANNED EMPLOYMENT CENTER (PEC) ZONING DISTRICTS

Mayor Ross announced that a public hearing had been scheduled to consider amendments to the Zoning Ordinance text pertaining to Planned Employment Center (PEC) Zoning Districts.

Planning Director Robert Harkrader stated that the changes would clarify the provisions in the PEC zoning classifications within the ordinance. He highlighted the following changes:

- minimum lot area from ten acres to five acres
- meeting space requirement for hotels from 7,500 feet to 5,000 feet

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Councilmember Huffman moved the adoption of the following ordinance:

ORDINANCE TO AMEND CITY OF BURLINGTON ZONING ORDINANCE TEXT
PERTAINING TO PLANNED EMPLOYMENT CENTER (PEC) ZONING DISTRICTS

BE IT ORDAINED by the City Council of the City of
Burlington, North Carolina:

Section 1: That the Burlington Zoning Ordinance be amended as
follows:

AMEND SECTION 32.5:D AS FOLLOWS:

D. Planned Employment Center (PEC) Zoning District (Amendment
creating district adopted June 3, 2003)

The following regulations shall apply in the PEC, Planned
Employment Center District:

1. Purpose - The Planned Employment Center District
provides for business and professional services,
research and development, limited light manufacturing
and wholesale trade and corporate offices along with
accessory commercial uses. This district shall be
pedestrian-oriented while at the same time provide
adequate auto facilities. The regulations in this
subsection are intended to minimize the presence of
nuisance factors and hazards. The application of this
district should not result in a predominance of
commercial uses in an area designated for non-
commercial activities.
2. Permitted Uses - Land shall be used and buildings
erected, altered, enlarged or used for one or more of
the uses indicated in the PEC column of the Table of
Permitted Uses, Section 32.9, and subject to such
conditions as may be referred to in the Special
Requirements column of said table.

Hotel, full service, may be permitted in a PEC District
if it meets the following minimum requirement:

- a. Hotel, full service. An establishment providing a
minimum of 100 sleeping rooms (a suite shall be
counted as two sleeping rooms) that have interior
access, a restaurant with full-table service,

meeting facilities consisting of a minimum total of 5,000 square feet and at least one room of 2,500 square feet (said room may be divided by flexible partitions) and may include other hotel-related amenities and guest services.

3. Prohibited Uses - No drive-through restaurant facilities are allowed in this district.
4. Commercial Retail Provision - The commercial uses allowed in this district including restaurants are only permitted as an accessory to office, light manufacturing, research and development and hotel building uses. Commercial retail uses can occupy no more than 20 percent of the total floor area of the development or building.
5. Commercial Retail Bonus - Additional floor area beyond 20 percent of total may be devoted to commercial uses if the following conditions are met: (Density bonuses are expressed as a percentage of total floor area of the development or building.)
 - a. All required parking is contained within the building or parking structure associated with the development: 2.5% bonus
 - b. Child-care facilities are provided within the development: 2.5% bonus
 - c. Any six of the following enhanced pedestrian spaces and amenities are provided: 2.5% bonus
 - (1) Plazas
 - (2) Arcades
 - (3) Galleries
 - (4) Courtyards
 - (5) Outdoor cafes
 - (6) Widened sidewalks (more than six feet wide outside of public right-of-way)
 - (7) Benches
 - (8) Shelters
 - (9) Street furniture
 - (10) Public art
 - (11) Kiosks

6. Lot Requirements

- a. Lot area - five acres.
- b. Lot setbacks:
 - (1) Front setback - Minimum of 15 feet is required and a maximum of 75 feet is allowed.
 - (2) Side and rear yard - Minimum setback of 25 feet is required.
- c. Lot coverage - The maximum site coverage by buildings and structures shall be 50 percent.
- d. Fences - Fencing is permitted inside a boundary line where it is necessary to protect property of the industry or the business concerned. No sight-obscuring fence shall be constructed adjacent to a major arterial or other public right-of-way in excess of four feet in height within the perimeter setbacks. Any chain link or other wire fencing must be screened with green growing plant materials or contain slats.

7. Development Standards - Where this ordinance is silent on any development standard, the development standards for an OI, Office-Institutional, Zoning District shall apply.

8. Pedestrian Access Plan - An on-site pedestrian circulation system must be provided that connects the street to the public entrances of the structure(s) on site:

- a. The circulation system shall be at least five feet wide.
- b. Where the system crosses driveways, parking and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).
- c. The on-site pedestrian circulation system and parking areas must be lighted to a level that

provide adequate lighting so that parking areas can be used safely when natural light is not present.

- d. The pedestrian system must connect to site and adjacent streets. The pedestrian system must also connect public open space or parks, commercial and Office-Institutional developments to adjacent like uses and developments for all buildings set back 45 feet or farther from the street lot line when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjacent site is not planned for development at the time of the applicant's development.

9. Performance Standards - No land or structure shall be used or occupied within this district unless there is compliance with the following minimum performance standards:

- a. Noise. Noise levels that are discernible without instruments at the site or lot property line of the use concerned are prohibited.
- b. Vibration. Vibration other than that caused by highway vehicles, trains and aircraft that are discernible without instruments at the site or lot property line of the use concerned are prohibited.
- c. Smoke and Particulate Matter. Air emissions must be within legal limits.
- d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odor is prohibited.
- e. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

10. Site Landscaping and Design Plan - Development within this zoning district shall be subject to a review and

approval of a site landscape and design plan by the Technical Review Committee (TRC) prior to the issuance of a building permit. In addition to the requirements of Chapter 32.11A, the following requirements shall apply:

- a. Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones, the applicant shall provide and maintain a vegetative buffer of at least 11 feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork and varied building materials are acceptable.
- b. Building facades facing public streets shall have a minimum of 15 percent of the total surface area of the wall transparent.
- c. Parking areas adjacent to rights-of-way shall be physically separated by landscaping or other features to a height of three feet. A combination of walls, berms and landscape materials is highly recommended. Sidewalks may be placed within this landscaping.
- d. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.
- e. Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and water-quality facilities.
- f. A minimum of five percent of the site shall be landscaped. Landscaping that is part of stormwater treatment facilities may be used to satisfy the requirement.
- g. Structures and open spaces should be clustered on-site to maximize the campus and open-space qualities within the development.
- h. When security fencing is required, it shall be a combination of solid wall, wrought iron, dense

hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least five feet.

AMEND SECTION 32.9, Table of Permitted Uses:

Under Special Requirements for Restaurants, add See 32.5:D for PEC.

Section 2: That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall take effect upon passage.

The foregoing ordinance was seconded by Councilmember Wall, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Ross, Huffman, Starling and Wall.

STAFF REPORTS:

ITEM 6: WATER QUALITY PROTECTION - DISTRIBUTION SYSTEM

Director of Utilities Steve Shoaf gave a report on water quality protection in the distribution system. He stated that as a result of September 11, 2001, all water systems in the United States were required to do vulnerability assessments to see where their drinking water systems were the most vulnerable. Mr. Shoaf stated that in some cases treatment plant facilities were identified and physical structures such as dams were identified. He stated that in the City of Burlington one of the major components of the City's system that was identified was the distribution system. These distribution systems are designed to be accessible for fire suppression, flushing of lines, connections for personal, residential and industrial uses, but that at the same time they are supposed to provide safe water for its citizens. He stated that with that in mind it was hard to design a system that is both accessible and controlled for safe water quality.

Mr. Shoaf stated that there were two areas that had problems specifically observed:

- Use of hydrants - illicit connections
- Illegal connections in areas of development - no meters or backflow preventions

Mr. Shoaf stated that the City's primary concern was the protection of public health and protection and safety of the water supply. He stated that City officials were currently working on revising the ordinance to have a civil summons or penalty that could be issued like a parking ticket. Mr. Shoaf stated that after the ordinance and policies were in place he wanted to inform all developers and contractors and begin implementing the change effective March 1, 2007. Mr. Shoaf mentioned one of the provisions would be to require builders to get their meters up front at the beginning of the building site. He stated that currently they could build the house and have the house on the market without a meter. He stated that by having the meter up front, the back flow prevention that is built into the setter that is hooked to the meter would prevent contamination of the City's water.

City Attorney Ward stated that the provisions should be completed and ready to implement by March 1, 2007.

ITEM 7: 2006 RESURFACING CONTRACT UPDATE

Public Works Director Gary Hicks gave a report on the 2006 resurfacing contract. Mr. Hicks stated that the recent resurfacing contract was completed on October 26, 2006, and on schedule. The following was completed:

- 29.64 centerline miles - approximately 59.3 lane miles.
- 36,5456 tons of asphalt - 372,000 square yards of paving.
- 59 wheelchair ramps constructed.
- 453 manholes and 302 valve boxes were adjusted.
- Total paid to Riley Paving was \$2,673,000.

The actual paving was less than the original estimate.

Mr. Hicks stated that the first year went well and that the 2006 resurfacing contract was the single largest paving contract ever completed in the City of Burlington.

Mr. Hicks distributed the 2006 Pavement Condition Survey. He stated that the last survey completed was in 2003 and that staff had begun working on preparing the 2007 paving list. Mr. Hicks stated that staff is focusing streets below a PCR 50, and that within a year or two, all streets that are PCR 50 and below would be completed and that the City would then focus on streets above PCR 50. Mr. Hicks stated that the department is currently working on bids for phase two paving.

Mr. Hicks stated that staff is focusing on sidewalk replacement and repair and had marked areas that needed to be repaired and that work would begin in the spring.

COMMENTS

Councilmember Huffman commented on a house fire that occurred on December 18, 2006, that resulted in two fatalities. He stated that he visited the scene and commended the fire crews for the professional job and stated that he was proud to be a part of the City.

Fire Chief Jay Smith stated that it had been a tough 24 hours for all public safety. He stated that the department worked closely with the Police Department on a daily basis and when officers get in tough situations it makes it easier to have their support and help. Chief Smith stated that they had to call out the City's Inspections Department and Alamance County EMS. Haw River Fire Department was called to assist the Wilkins Street department to cover that side of town.

Councilmember Starling commended all public service personnel for the job they did.

NEW POLICE CHIEF

Mayor Ross recognized and congratulated Capt. Mike Williams as being named Burlington's next police chief.

PUBLIC COMMENT PERIOD:

There were no public comments.

REQUEST FOR CLOSED SESSION

PERMISSIBLE PURPOSE: North Carolina General Statute 143-318.11 (a) (3)

Councilmember Starling made a motion to go into closed session pursuant to General Statutes Section 143-318.11 (a) (4) to discuss a matter of a location for a proposed business and economic incentives for this business.

Upon motion by Councilmember Starling, seconded by Councilmember Huffman, it was resolved unanimously to enter into closed session.

CLOSED SESSION WAS HELD

ADJOURN:

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk